

Supreme Court of Pennsylvania

Court of Common Pleas
Civil Cover Sheet

ERIE

County

For Prothonotary Use Only:

Docket No:

1074-2023

The information collected on this form is used solely for court administration purposes. This form does not supplement or replace the filing and service of pleadings or other papers as required by law or rules of court.

Commencement of Action:

Complaint Writ of Summons
 Transfer from Another Jurisdiction

Petition
 Declaration of Taking

S
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C
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N

A

Lead Plaintiff's Name:
Lance ThorntonLead Defendant's Name:
Steven DeLucaAre money damages requested? Yes NoDollar Amount Requested:
(check one) within arbitration limits
 outside arbitration limitsIs this a *Class Action Suit*? Yes NoIs this an *MDJ Appeal*? Yes No

Name of Plaintiff/Appellant's Attorney: Timothy D. McNair, Esquire

 Check here if you have no attorney (are a Self-Represented [Pro Se] Litigant)

Nature of the Case: Place an "X" to the left of the ONE case category that most accurately describes your **PRIMARY CASE**. If you are making more than one type of claim, check the one that you consider most important.

TORT (do not include Mass Tort)

Intentional
 Malicious Prosecution
 Motor Vehicle
 Nuisance
 Premises Liability
 Product Liability (does not include mass tort)
 Slander/Libel/ Defamation
 Other:

CONTRACT (do not include Judgments)

Buyer Plaintiff
 Debt Collection: Credit Card
 Debt Collection: Other

CIVIL APPEALS

Administrative Agencies
 Board of Assessment
 Board of Elections
 Dept. of Transportation
 Statutory Appeal: Other

MASS TORT

Asbestos
 Tobacco
 Toxic Tort - DES
 Toxic Tort - Implant
 Toxic Waste
 Other:

REAL PROPERTY

Ejectment
 Eminent Domain/Condemnation
 Ground Rent
 Landlord/Tenant Dispute
 Mortgage Foreclosure: Residential
 Mortgage Foreclosure: Commercial
 Partition
 Quiet Title
 Other:

MISCELLANEOUS

Common Law/Statutory Arbitration
 Declaratory Judgment
 Mandamus
 Non-Domestic Relations
Restraining Order
 Quo Warranto
 Replevin
 Other:

PROFESSIONAL LIABILITY

Dental
 Legal
 Medical
 Other Professional:

LANCE THORNTON : IN THE COURT OF COMMON PLEAS
: OF ERIE COUNTY, PENNSYLVANIA
:
:
:
Vs. :
:
STEVEN DELUCA, JOHN DOE 1, JOHN : CASE NO 10721-2023
DOE 2, JOHN DOE 3, JOHN DOE 4, :
JOHN DOE 5, JOHN DOE 6, JOHN DOE :
7, JOHN DOE 8, JOHN DOE 9, JOHN :
DOE 10 AND CITY OF ERIE, :
PENNSYLVANIA :
:

WRIT OF SUMMONS

TO: THE ABOVE NAMED DEFENDANT (S):

YOU ARE HEREBY NOTIFIED THAT THE ABOVE NAMED PLAINTIFF (S) HAS
(HAVE) COMMENCED AN ACTION AGAINST YOU.

COPIES OF ALL PLEADINGS FILED SHOULD BE SERVED UPON PLAINTIFF (S) /
COUNSEL:

Timothy D. McNair, Esq
831 State Street
Erie Pa 16501
(814) 452-0700

AUBREA HAGERTY-HAYNES
CLERK OF RECORDS
PROTHONOTARY DIVISION

Date: March 27, 2023

By 
Eruvinia Rivera-Vera, Deputy

IN THE COURT OF COMMON PLEAS
OF ERIE COUNTY, PENNSYLVANIA

LANCE THORNTON,
Plaintiff

v.

STEVEN DELUCA, JOHN DOE 1, JOHN
DOE 2, JOHN DOE 3, JOHN DOE 4,
JOHN DOE 5, JOHN DOE 6, JOHN
DOE 7, JOHN DOE 8, and JOHN DOE 9,
JOHN DOE 10, and CITY OF ERIE,
PENNSYLVANIA
Defendants

CIVIL DIVISION - LAW

Case No.: 10721-2023

JURY TRIAL DEMANDED

COMMON PLEAS COURT
ERIE, PA

2023 APR 20 PM 2:47

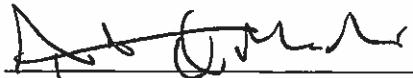
CLERK OF RECORDS
PROTHONOTARY

**NOTICE OF SERVICE OF PLAINTIFF'S PRE-COMPLAINT DISCOVERY
REQUESTS DIRECTED TO DEFENDANT STEVEN DELUCA AND
DEFENDANT CITY OF ERIE, PENNSYLVANIA**

Notice is hereby given that Plaintiff's Pre-Complaint Discovery Requests Directed to Defendant Steven DeLuca and Defendant City of Erie, Pennsylvania was served on the 20th day of April, 2023 by hand delivery to Ed Betza, Esquire City of Erie, Office of City Solicitor, 626 State Street, Erie, PA 16501 and by hand delivery to Steven DeLuca, City of Erie, Bureau of Police, 626 State Street, Erie, PA 16501.

CERTIFICATE OF COMPLIANCE

I certify that this filing complies with the provisions of the Case Records Public Access Policy of the Unified Judicial System of Pennsylvania that require filing confidential information and documents differently than non-confidential information and documents.



Timothy D. McNair, Esquire

Respectfully submitted,

MCNAIR LAW OFFICES, PLLC

By: 

Timothy D. McNair, Esquire
821 State Street
Erie, PA 16501
(814) 452-0700
(814) 454-2371 (fax)
tmcnair@mcnairlaw.com

IN THE COURT OF COMMON PLEAS
OF ERIE COUNTY, PENNSYLVANIA

LANCE THORNTON,
Plaintiff

v.

STEVEN DELUCA, JOHN DOE 1, JOHN
DOE 2, JOHN DOE 3, JOHN DOE 4,
JOHN DOE 5, JOHN DOE 6, JOHN
DOE 7, JOHN DOE 8, and JOHN DOE 9,
JOHN DOE 10, and CITY OF ERIE,
PENNSYLVANIA
Defendants

CIVIL DIVISION - LAW

Case No.: 10721-2023

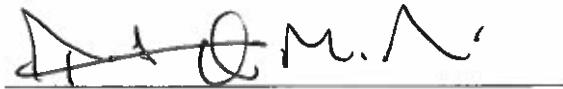
JURY TRIAL DEMANDED

CERTIFICATE OF SERVICE

On this 20th day of April, 2023 the undersigned does depose and say that he served a true and correct copy of Plaintiff's Pre-Complaint Discovery Requests Directed to Defendant Steven DeLuca and Defendant City of Erie, Pennsylvania by hand delivery upon the following:

Ed Betza, Esquire
City of Erie, Office of City Solicitor
City Hall
626 State Street
Erie, PA 16501

Steven DeLuca
City of Erie, Bureau of Police
City Hall
626 State Street
Erie, PA 16501



Timothy D. McNair, Esquire
Attorney for Lance Thornton, Plaintiff

A. "Search" shall mean the incident occurring on the morning of March 12, 2023, at or near 410 Roslyn Avenue in Erie, Pennsylvania involving Erie Police and other law enforcement authorities.

B. "You" or "your" refers to Defendant(s) herein and to all other persons acting or purporting to act on behalf of Defendant(s), including agents and employees. "You" further includes all persons who participated in the Search or preparations for the Search, or analysis and reporting after the fact of the Search.

C. "Communications" shall mean all inquiries, discussions, conversations, negotiations, agreements, understandings, meetings, telephone conversations, letters, correspondence, notes, telegrams, telexes, advertisements, facsimiles, e-mail, or other forms of verbal and/or communicative intercourse.

D. "Documents" shall mean all written or graphic matter of every kind or description, however, produced or reproduced, whether draft or final, original or reproduction signed or unsigned, and regardless of whether approved, signed, sent, received, redrafted, or executed, including but not limited to: written communications, letters, correspondence, facsimiles, e-mail, memoranda, minutes, notes, films, recordings, of any type, transcripts, contracts, agreements, purchase or sales orders, memoranda of telephone conversations of personal conversations, diaries, desk calendars, interoffice communications, reports, studies, bills, receipts, checks, checkbooks, invoices, requisitions or material similar to any of the foregoing however denominated, by whomever prepared, and to whomever addressed, which are in your possession, custody or control or to which you have had or can obtain access.

E. "Person" or "Persons" means an individual, corporation, partnership, trust, association, company, organization, or any form of a business or commercial entity.

F. "Identify" when used with respect to an individual, means to state (1) their name; (2) business affiliation and official title and/or position; and (3) their last known residential and business address.

G. "Identify" when used with respect to a document, means to state (1) the type of document (e.g. letter, memorandum, hand-written note, facsimile, e-mail); (2) its date of origin or creation; (3) its author and addressee; (4) its last known custodian or locations; and (5) a brief description of its subject matter and size. In lieu of identifying any document(s), you may attach a copy of it to your answer, indicating the question to which it is responsive.

H. "Identify" when used with respect to a company or other business entity, means to state, (1) the company's legal name, any former names, and the name under which it trades or does business (2) the address of its principal place of business; and (3) the identity of its chief executive officer.

I. "Relate to" means consist of, refer to, reflect or be in any way logically connected with the matter discussed.

J. The period of time encompassed by these requests shall be from the date You received the alleged "credible tip" regarding Plaintiff, his property or relatives or associates of Plaintiff to the date responses to these requests are served unless otherwise indicated. These requests shall continuing and your duty is to supplement your responses with such responsive information as is discovered or obtained by you until the date of trial.

INTERROGATORIES

1. Identify each individual who participated in the planning, execution, after-action review, or otherwise in the Search.

ANSWER:

2. For each person identified in your previous Interrogatory, identify the person's employer, and the agency or authority with which each person was affiliated.

ANSWER:

3. Set forth in detail the substance of the facts known to the persons named above prior to eight o'clock A.M. on March 12, 2023, that led to the conclusion that the Search was justified.

ANSWER:

4. Identify each individual, if any, who sought or obtained a search or arrest

warrant, or who advised any person who participated in the Search that no warrant was necessary to enter and search 410 Roslyn Avenue at any time.

ANSWER:

5. Identify the individual in command of the group searching 410 Roslyn Avenue.

ANSWER:

6. Identify the individual(s) who attempted to kick open the front door of 410 Roslyn St. at the outset of the Search.

ANSWER:

7. Set forth whether any social media search of Plaintiff, Lance Thornton, was done prior to eight o'clock a.m. on March 12, 2023. If so, identify the websites reviewed and identify the individual or individuals performing any such social media survey.

ANSWER:

8. Identify all ambulance personnel called to or staged at Roslyn Avenue at the time of the Search.

ANSWER:

9. Set forth the source and substance of the "credible tip" you allege was received prior to the Search indicating that there was justification for the Search.

ANSWER:

10. Was any advice sought from a judicial officer prior to the Search regarding

the propriety of the Search?

ANSWER:

11. If your answer to the preceding interrogatory is in the affirmative, identify the person or persons who sought the advice, and identify the person from whom the advice was sought.

ANSWER:

12. Set forth the policy of the Erie Police Department governing encounters with persons with disabilities.

ANSWER:

REQUEST FOR PRODUCTION OF DOCUMENTS

Please produce the following:

1. All documents directing or authorizing the persons or organizations named in your response to Interrogatory 1 to perform the Search.

RESPONSE:

2. All documents that refer, relate to or constitute any application for a search warrant, whether filed or not, including any transcripts of telephone conversations, notes, investigative reports and the like.

RESPONSE:

3. All documents relating to the decision to conduct the Search.

RESPONSE:

4. Any order or decision concerning any search warrant application seeking authority to search 410 Roslyn Avenue in Erie, Pennsylvania, at any time.

RESPONSE:

5. All memoranda or documents referring or relating to the Search, including any and all reports prepared by any person participating in the Search or supervising any of the individuals involved in the Search.

RESPONSE:

6. Produce all body-worn camera recordings relating to the Search. To the extent that you are aware of the existence of any body-worn camera recording that you claim is not available to you, identify the custodian of all such recordings and set forth the reason it is not available to you.

RESPONSE:

7. Produce all emails generated before, during, and after the Search that refer or relate to the Search, whether sent or received or not.

RESPONSE:

8. To the extent that you claim that the Search was conducted under the sole authority of the United States and that you or your employees were acting as deputies of

the United States Marshal Service or any task force created by or involving it, produce all certificates or documents appointing any of your employees as Deputy United States Marshals, and a complete and unredacted copy of any Memorandum of Understanding or agreement between the City of Erie or any bureau or division thereof and the United States Marshal Service establishing any such task force and containing any agreement or procedures regarding the operation of any such task force.

RESPONSE:

Respectfully submitted,

MCNAIR LAW OFFICES, PLLC

By: 

Timothy D. McNair, Esquire
821 State Street
Erie, PA 16501
(814) 452-0700
(814) 454-2371 (fax)
tmcnair@mcnairlaw.com

IN THE COURT OF COMMON PLEAS
OF ERIE COUNTY, PENNSYLVANIA

LANCE THORNTON,
Plaintiff

v.

STEVEN DELUCA, JOHN DOE 1, JOHN
DOE 2, JOHN DOE 3, JOHN DOE 4,
JOHN DOE 5, JOHN DOE 6, JOHN
DOE 7, JOHN DOE 8, and JOHN DOE 9,
JOHN DOE 10, and CITY OF ERIE,
PENNSYLVANIA

Defendants

: CIVIL DIVISION - LAW

: Case No.: 10721-2023

: JURY TRIAL DEMANDED

VERIFICATION

I, Steven DeLuca, subject to the penalties of 18 Pa C.S.A. Section 4904, relating to unsworn falsification to authorities, state the attached answers and/or documents are submitted in response to the foregoing Interrogatories and Request for Production of Documents and that to the best of my knowledge, information and belief they are true and complete.

Date

Steven DeLuca

McNair Law Offices, PLLC

ATTORNEYS AND COUNSELORS AT LAW

April 20, 2023

Steven DeLuca
City of Erie, Bureau of Police
City Hall
626 State Street
Erie, PA 16501

Re: Thornton v. DeLuca, et al.
No.: 10721-2023

Dear Mr. DeLuca:

Enclosed please find the original and one copy of Plaintiff's discovery requests in aid of preparation of a Complaint as well as a time-stamped copy Notice of Service of same. These are served upon you pursuant to the Pennsylvania Rules of Civil Procedure and require your response.

Should you have questions, I would suggest that you contact an attorney.

Thank you.

Very truly yours,

MCNAIR LAW OFFICES, PLLC

By: 

Timothy D. McNair, Esquire

TDM/arr
Enclosures

cc: Ed Betza, Esquire *via hand delivery*
Lance Thornton *via email*

McNair Law Offices, PLLC

ATTORNEYS AND COUNSELORS AT LAW

April 20, 2023

City of Erie, Office of City Solicitor
City Hall
626 State Street
Erie, PA 16501

Re: Thornton v. DeLuca, et al.
No.: 10721-2023

Dear Mr. Betza:

Enclosed herewith please find the original and one copy of Plaintiff's discovery requests in aid of the preparation of a Complaint pursuant to Pa.R.C.P. 4003.8 as well as a time-stamped copy Notice of Service of same.

Since these discovery requests relate only to knowledge and documents in the possession of the City of Erie or Mr. DeLuca, and are limited to the facts concerning a search conducted at 410 Roslyn Avenue, Erie, Pennsylvania 16506 on March 12, 2023, and seek primarily the identification of parties and circumstances leading up to the conduct of the search, we believe that these are squarely within the limitations of Pa.R.C.P. 4003.8.

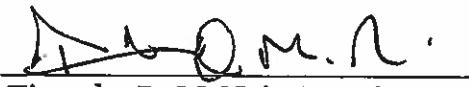
It has been represented to us that all of the documents requested are in the possession of the United States Marshal Service, which is not a party to this case. Nonetheless, we are not required or inclined to accept such representation without documentary proof. Should you maintain this position, we expect that you will file a Motion for Protective Order so that we may seek a ruling from the Court.

Should you have any questions, please contact me.

Thank you.

Very truly yours,

MCNAIR LAW OFFICES, PLLC

By: 
Timothy D. McNair, Esquire

TDM/arr
Enclosures

cc: Steven DeLuca *via hand delivery*
Lance Thornton *via email*

821 STATE STREET - ERIE, PENNSYLVANIA 16501-1316
TELEPHONE 814.452.0700 - FACSIMILE 814.454.2371 - TOLL FREE (800)453-0566
E-MAIL: TMCNAIR@MCNAIRLAW.COM - URL: [HTTP://WWW.MCNAIRLAW.COM](http://WWW.MCNAIRLAW.COM)

2023-10721 LANCE THORNTON (vs) STEVEN DELUCA, AL

Reference No...: Case Type.....: TORT - INTENTIONAL
 Judgment.....: .00
 Judge Assigned:
 Disposed Desc.: ----- Case Comments -----

Filed.....: 3/24/2023
 Time.....: 3:29
 Execution Date: 0/00/0000
 Jury Trial...:
 Disposed Date: 0/00/0000
 Higher Crt 1.: Higher Crt 2.:

General Index*****
Attorney InfoTHORNTON LANCE
NO ADDRESS GIVEN

PLAINTIFF

MCNAIR TIMOTHY D, ESQ

DELUCA STEVEN
NO ADDRESS GIVEN

DEFENDANT

DOE JOHN 1
NO ADDRESS GIVEN

DEFENDANT

DOE JOHN 2
NO ADDRESS GIVEN

DEFENDANT

DOE JOHN 3

DEFENDANT

DOE JOHN 4

DEFENDANT

DOE JOHN 5

DEFENDANT

DOE JOHN 6

DEFENDANT

DOE JOHN 7

DEFENDANT

DOE JOHN 8

DEFENDANT

DOE JOHN 9

DEFENDANT

DOE JOHN 10

DEFENDANT

ERIE CITY OF PENNSYLVANIA

DEFENDANT

* Date Entries *

3/24/2023 - - - - - CAPTION: LANCE THORNTON VS STEVEN DELUCA, JOHN DOE 1, JOHN DOE 2, JOHN DOE 3, JOHN DOE 4, JOHN DOE 5, JOHN DOE 6, JOHN DOE 7, JOHN DOE 8, JOHN DOE 9, JOHN DOE 10 AND CITY OF ERIE, PENNSYLVANIA

3/24/2023 - - - - - CIVIL COVER SHEET FILED.

3/24/2023 - - - - - PRAECIPE FOR WRIT OF SUMMONS F/TIMOTHY D MCNAIR ESQ W/CERT OF COMPLIANCE

3/27/2023 - - - - - WRIT OF SUMMONS ISSUED.

4/06/2023 - - - - - SHERIFF'S FILE RETURNED TO PROTHONOTARY'S OFFICE, FILED.
 CASE TYPE.: WRIT OF SUMMONS RET TYPE: REGULAR
 LITIGANT...: CITY OF ERIE
 ADDRESS...: 626 STATE STREET
 CTY/ST/ZIP: ERIE, PA 16501
 HND TO....: MARIYN POL (DEPUTY CITY CLERK), AIC
 SHF/DPTY...: ANDY JACKSON
 DATE/TIME.: 4-4-23 @09:39

4/06/2023 - - - - - SHERIFF'S FILE RETURNED TO PROTHONOTARY'S OFFICE, FILED.
 CASE TYPE.: WRIT OF SUMMONS RET TYPE: REGULAR
 LITIGANT...: STEVEN DELUCA
 ADDRESS...: 626 STATE STREET
 CTY/ST/ZIP: ERIE, PA 16501
 HND TO....: MARIYN POL (DEPUTY CITY CLERK), AIC
 SHF/DPTY...: ANDY JACKSON
 DATE/TIME.: 4-4-23 @09:40

Case 1:23-cv-00164-CB Document 1-2 Filed 06/06/23 Page 15 of 15

2023-10721 LANCE THORNTON (vs) STEVEN DELUCA, AL

Reference No.	Filed.	3/24/2023
Case Type.	Time.	3:29
Judgment.	Execution Date	0/00/0000
Judge Assigned.	Jury Trial.	
Disposed Desc.	Disposed Date.	0/00/0000
----- Case Comments -----	Higher Crt 1.	
COSTS.	Higher Crt 2.	

4/20/2023 NOTICE OF SERVICE OF PLAINTIFF'S PRE-COMPLAINT DISCOVERY REQUESTS DIRECTED TO DEFENDANT STEVEN DELUCA AND DEFENDANT CITY OF ERIE, PENNSYLVANIA, UPON ED BETZA, ESO, OFFICE OF CITY SOLICITOR, 626 STATE ST ERIE PA 16501 ON 4/20/23; AND STEVEN DELUCA, CITY OF ERIE, BUREAU OF POLICE, 626 STATE ST ERIE, PA 16501, ON 4/20/23. F/TIMOTHY D MCNAIR, ESQ. W/CERT OF COMPLIANCE AND CERT OF SERVICE ----- LAST ENTRY -----

* Escrow Information *
* Fees & Debits Beg Bal Pymts/Adj End Bal *

SUMMONS TAX	.50	.50	.00
JCS/ATJ	40.25	40.25	.00
SUMMONS	98.00	98.00	.00
AUTOMATION FEE	5.00	5.00	.00
-----	-----	-----	-----
	143.75	143.75	.00

* End of Case Information *
